

United States Court of Appeals
for the Fifth Circuit

United States Courts
Southern District of Texas
FILED

September 27, 2022

Nathan Ochsner, Clerk of Court

No. 22-20455

United States Court of Appeals
Fifth Circuit

FILED

September 27, 2022

Lyle W. Cayce
Clerk

DOCTOR STELLA IMMANUEL,

Plaintiff—Appellant,

versus

CABLE NEWS NETWORK, INCORPORATED,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:22-CV-2031

Before HAYNES, ENGELHARDT, and OLDHAM, *Circuit Judges.*

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). Pursuant to 28 U.S.C. § 2107(a) and Federal Rule of Appellate Procedure 4(a)(1)(A), the notice of appeal in a civil case must be filed within thirty days of entry of judgment.

In this case, the district court entered final judgment dismissing the complaint on August 1, 2022. Therefore, the final day for filing a timely notice of appeal was August 31, 2022. Plaintiff's notice of appeal was filed on September 1, 2022. When set by statute, the time limitation for filing a

No. 22-20455

notice of appeal in a civil case is jurisdictional. *Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 17 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007). The lack of a timely notice mandates dismissal of the appeal. *United States v. Garcia-Machado*, 845 F.2d 492, 493 (5th Cir. 1988).

Accordingly, the appeal is DISMISSED for want of jurisdiction.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

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September 27, 2022

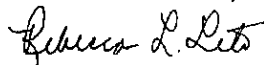
MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 22-20455 Immanuel v. Cable News Network
USDC No. 4:22-CV-2031

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Rebecca L. Leto, Deputy Clerk
504-310-7703

Mr. Robert P. Latham
Mr. Nathan Ochsner
Madhu Suseela Sekharan